

3 What is an "Appropriate Village Entity"? – February 2012

Can The Recognized AVE Be Changed?

Yes, the Commissioner of the Department of Community and Regional Affairs may review the official recognition of an AVE at any time or upon receipt of a petition signed by 15% of the residents of the village or upon request of the AVE itself.

Present Status

Entities in 60 of the 93 unincorporated communities having land rights under ANCSA have been formally recognized as the "appropriate village entity."

Further Information?

Requests for information and petitions for AVE recognition should be submitted to:

Municipal Land Trust Officer
Department of Commerce, Community &
Economic Development
Division of Community &
Regional Affairs
550 W. 7th Ave., Suite 1770
Anchorage, AK 99501
(907) 269-4548



What is...

an "Appropriate Village Entity"? (AVE)

Background

Under the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971, over 200 Native village corporations were formed. Title to substantial amounts of land has been conveyed to these village corporations by the federal government.

Section 14(c)(3) of ANCSA provided that each village corporation would convey to a city or the State in trust no less than 1,280 acres of land for municipal purposes. This provision of ANCSA was amended by the Alaska National Interest Lands Conservation Act to provide that the corporation and the city/State in trust may agree, in writing, upon a conveyance of less than 1,280 acres.

Presently, 93 communities in Alaska having land rights under ANCSA have not incorporated as cities; therefore, the 14(c)(3) lands in those communities will be conveyed to the State to hold in trust for a future city.

The Municipal Lands Trustee Program with the Department of Commerce, Community and Economic Development (DCCED) was set up to accept and administer the 14(c)(3) lands for communities that have not incorporated as cities. The lands will be owned by the State of Alaska; however, the State is under legal obligation to manage the lands in the best interests of the future city, and not treat them like other State lands.

DCCED must consult with local residents on matters concerning the identification and administration of Municipal Trust Land. Specifically, the village residents may advise the Department concerning which lands to accept from the village corporation, and as to planned uses of those lands.

They also have veto power over the sale, lease or other disposal of municipal trust land. The views of local residents may be obtained by holding public meetings or through a representative group who speaks for the community. The group that advises the trustee is called the "Appropriate Village Entity" (AVE).

The power to oversee decisions concerning municipal trust lands is important since village residents best know the land in their area and can help identify and plan for expansion in the community.

Most unincorporated villages have a traditional village council or other entity which represents the views of the residents. It should be understood that the AVE does not own the 14(c)(3) lands. The State is ultimately responsible for the land management decisions, subject to the recognized entity's right to monitor and "oversee" these actions.

Eligibility Requirements for an AVE

To be eligible for consideration for recognition as an AVE, an entity must, at minimum, meet the following standards:

1. The entity must be an active organization that is able to accurately represent the collective views of **all** bonafide village residents.
2. There "must be no substantial and particularized objection" by any bonafide resident as to the entity's suitability to accurately represent the collective views of the residents

Objections constitute a bar to eligibility only if they are specific in nature and raise valid questions as to the suitability of the entity to represent the views of the community. For example, a general objection such as "I don't think that the X organization can do the job" would not be a substantial objection.

Municipal trust lands benefit the entire community. In the future, these lands will be owned by the city and under the direct control of an elected city council, if and when such incorporation may occur. Upon incorporation of a community as a city, DCCED is required to transfer all lands held in trust for the community and subsequent records and revenues obtained from land management activities on trust land to the new city.

Why is it important that an AVE be recognized?

With an officially recognized AVE, the Department can accept a resolution from the AVE as being representative of community views. This allows land management decisions to be accomplished more quickly. When the community has no officially recognized AVE, the Department must call a special meeting in the village to obtain the views of the residents. A meeting is necessary each time there is a need to determine community views concerning the administration of municipal trust lands. This is not only costly but is also a time consuming procedure. Meeting notices must be published in local newspapers and posted in the village a minimum of two weeks before a meeting can take place. Additionally, weather conditions often interfere with the holding of a village meeting. The end result of all this may be delays in community projects that need to move quickly.

What organization should be the AVE?

For many villages, the organization may be a traditional village council or a village council organized under the Indian Reorganization Act. Other villages may want to consider other options such as a community association or non-profit corporation. If it is determined that there is no entity capable of representing the collective views of the community, the Municipal Lands Trustee will convene a community-wide meeting of residents to obtain the views of the community as the need may arise.

How Does An Entity Become Recognized As The AVE?

The recognition process begins with a village organization submitting a petition for recognition to the Municipal Lands Trustee (The Municipal Lands Trustee office has a form that may be used or the organization may draw up its own petition) After the petition is received, legal notices announcing the receipt of the petition will be published and posted in the village. These notices give village residents an opportunity to comment on the acceptability of the organization and invite other entities to petition if they feel better qualified to serve as the AVE. After the legal notices are published, and the comment period has been completed, the organization may then be recognized as the "appropriate village entity" for the community.